

103^D CONGRESS
1ST SESSION

S. 967

To amend the Internal Revenue Code of 1986 and the Social Security Act to repeal provisions relating to the State enforcement of child support obligations, to require the Internal Revenue Service to collect child support through wage withholding, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13 (legislative day, APRIL 19), 1993

Mr. SHELBY (for himself, Mr. D'AMATO, Ms. MOSELEY-BRAUN, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 and the Social Security Act to repeal provisions relating to the State enforcement of child support obligations, to require the Internal Revenue Service to collect child support through wage withholding, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Uniform Child Support
5 Enforcement Act of 1993”.

1 **SEC. 2. CERTAIN STATUTORILY PRESCRIBED PROCEDURES**
2 **REQUIRED AS A CONDITION OF RECEIVING**
3 **FEDERAL CHILD SUPPORT FUNDS.**

4 Section 466(a) of the Social Security Act (42 U.S.C.
5 666(a)) is amended by inserting after paragraph (10) the
6 following:

7 “(11)(A) Procedures which require any State
8 court or administrative agency that issues or modi-
9 fies (or has issued or modified) a child support order
10 (including an order for the payment of past-due sup-
11 port) to transmit a copy of the order to the Internal
12 Revenue Service on the later of—

13 “(i) the date the order is issued or modi-
14 fied; or

15 “(ii) the effective date of this paragraph.

16 “(B) Procedures which—

17 “(i) require any individual with the right
18 to collect child support pursuant to an order is-
19 sued or modified in the State (whether before
20 or after the effective date of this paragraph) to
21 be presumed to have assigned to the Internal
22 Revenue Service the right to collect such sup-
23 port (including any past-due support), unless
24 the individual affirmatively elects to retain such
25 right at any time; and

1 “(ii) allow any individual who has made
2 the election referred to in clause (i) to rescind
3 or revive such election at any time.”.

4 **SEC. 3. COLLECTION OF CHILD SUPPORT BY INTERNAL**
5 **REVENUE SERVICE.**

6 (a) IN GENERAL.—Chapter 77 of the Internal Reve-
7 nue Code of 1986 (relating to miscellaneous provisions)
8 is amended by adding at the end thereof the following new
9 section:

10 **“SEC. 7524. COLLECTION OF CHILD SUPPORT.**

11 “(a) IN GENERAL.—The Secretary shall establish a
12 program to collect child support (including past-due sup-
13 port) pursuant to child support orders which are assigned
14 to the Internal Revenue Service under section 466(a)(4)
15 of the Social Security Act (42 U.S.C. 666(a)(4)).

16 “(b) USE OF WAGE WITHHOLDING, ETC.—Such pro-
17 gram shall provide for the collection of child support re-
18 quired to be paid for any period through increases in wage
19 withholding under chapter 24 and estimated tax payments
20 under section 6654 during such period. Amounts required
21 to be paid through such withholding and payments shall
22 be treated as tax for purposes for this subtitle.

23 “(c) ANNUAL RECKONING OF OBLIGATION.—

24 “(1) IN GENERAL.—The entire amount of child
25 support required to be paid by any individual to the

1 Internal Revenue Service during any taxable year
2 shall be paid—

3 “(A) not later than the last date (deter-
4 mined without regard to extensions) prescribed
5 for filing such individual’s return of tax im-
6 posed by chapter 1 for such taxable year, and

7 “(B)(i) if such return is filed not later
8 than such date, with such return, or

9 “(ii) in any case not described in subpara-
10 graph (A), in such manner as the Secretary
11 may by regulations prescribe.

12 “(2) CREDIT FOR PERIODIC PAYMENTS.—The
13 amount required to be paid under paragraph (1)
14 shall be reduced by the aggregate payments of child
15 support made under subsection (b) by such individ-
16 ual through increases in wage withholding and esti-
17 mated tax payments.

18 “(d) FAILURE TO PAY AMOUNT OWING.—If an indi-
19 vidual fails to pay the full amount required to be paid on
20 or before the last date described in subsection (c)(1), the
21 Secretary shall assess and collect the unpaid amount in
22 the same manner, with the same powers, and subject to
23 the same limitations applicable to a tax imposed by sub-
24 title C the collection of which would be jeopardized by
25 delay, except that—

1 “(1) for such purposes, paragraphs (4), (6),
2 and (8) of section 6334(a) (relating to property ex-
3 empt from levy) shall not apply, and

4 “(2) there shall be exempt from levy so much
5 of the salary, wages, or other income of an individ-
6 ual as is being withheld therefrom in garnishment
7 pursuant to a judgment entered by a court of com-
8 petent jurisdiction for the support of his minor chil-
9 dren.

10 “(e) COLLECTIONS DISPERSED TO INDIVIDUAL
11 SPECIFIED IN ORDER.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), amounts collected under this section pur-
14 suant to any child support order shall be paid to the
15 individual entitled to such amounts under such order
16 as quickly as possible. Any penalties and interest
17 collected with respect to such amounts also shall be
18 paid to such individual.

19 “(2) FAMILIES RECEIVING STATE ASSIST-
20 ANCE.—In the case of an individual with respect to
21 whom an assignment of child support payments to
22 a State is in effect—

23 “(A) of the amounts collected which rep-
24 resent monthly support payments, the first \$50

1 of any payments for a month shall be paid to
2 such individual, and

3 “(B) all other amounts shall be paid to
4 such State pursuant to such assignment.

5 The payment of amounts under subparagraph (A)
6 for any month shall not affect a family’s eligibility
7 for assistance or the amount of assistance payable to
8 a family for such month under any State plan ap-
9 proved under the Social Security Act.

10 “(f) COORDINATION WITH UNDERPAYMENT PROVI-
11 SIONS.—If the Secretary is collecting—

12 “(1) unpaid child support pursuant to an as-
13 sessment under this section, and

14 “(2) unpaid tax pursuant to an assessment
15 under section 6203,

16 all amounts collected shall be treated as collected pursuant
17 to the assessment under this section to the extent of the
18 amount of such unpaid child support.

19 “(g) LIMITATION ON JUDICIAL REVIEW.—No court
20 of the United States shall have jurisdiction to hear any
21 action, whether legal or equitable, brought to restrain or
22 review any assessment or collection authorized by this sec-
23 tion, nor shall any such assessment or collection be subject
24 to review by the Secretary in an administrative proceeding.
25 This subsection shall not preclude any legal, equitable, or

1 administrative action against the State by an individual
2 in any State court or before any State agency to determine
3 his liability for any amount assessed against him and col-
4 lected, or to recover any such amount collected from him,
5 under this section.

6 “(h) REGULATIONS.—The Secretary shall prescribe
7 such regulations as may be appropriate to carry out the
8 purposes of this section.”.

9 (b) REPEAL OF OFFSET OF PAST-DUE SUPPORT
10 AGAINST OVERPAYMENTS.—

11 (1) Section 6402 of such Code is amended by
12 striking subsections (c) and (g) and by redesignating
13 subsections (d), (e), (f), (h), and (i) as subsections
14 (c), (d), (e), (f), and (g), respectively.

15 (2) Subsection (a) of section 6402 of such Code
16 is amended by striking “subsections (c) or (d)” and
17 inserting “subsection (c)”.

18 (3) Subsection (c) of section 6402 of such Code
19 (as redesignated by paragraph (1)) is amended—

20 (A) by striking “(other than past-due sup-
21 port subject to the provisions of subsection
22 (c))” in paragraph (1),

23 (B) by striking “after such overpayment is
24 reduced pursuant to subsection (c) with respect
25 to past-due support collected pursuant to an as-

1 signment under section 402(a)(26) of the Social
2 Security Act and” in paragraph (2).

3 (4) Subsection (d) of section 6402 of such Code
4 (as redesignated by paragraph (1)) is amended by
5 striking “or (d)”.

6 (c) REPEAL OF COLLECTION OF PAST-DUE SUP-
7 PORT.—Section 6305 of such Code is hereby repealed.

8 (d) ESTIMATE OF INCREASED INTERNAL REVENUE
9 FUNDING.—Within 1 year of the date of the enactment
10 of this Act, the Secretary of the Treasury shall submit
11 to the Congress an estimate of the additional cost per fis-
12 cal year for administering the program described in sec-
13 tion 7524 of the Internal Revenue Code of 1986 (as added
14 by this section).

15 (e) CLERICAL AMENDMENTS.—

16 (1) The table of sections for subchapter A of
17 chapter 64 of such Code is amended by striking the
18 item relating to section 6305.

19 (2) The table of sections for chapter 77 of such
20 Code is amended by adding at the end thereof the
21 following new item:

 “Sec. 7524. Collection of child support.”.

1 **SEC. 4. ELIMINATION OF PROVISIONS OF THE SOCIAL SE-**
2 **CURITY ACT RELATING TO STATE ENFORCE-**
3 **MENT OF CHILD SUPPORT OBLIGATIONS.**

4 (a) AMENDMENT OF THE SOCIAL SECURITY ACT.—
5 Except as otherwise expressly provided, wherever in this
6 section an amendment or repeal is expressed in terms of
7 an amendment to, or repeal of, a section or other provi-
8 sion, the reference shall be considered to be made to a
9 section or other provision of the Social Security Act.

10 (b) AMENDMENTS TO SECTION 303.—Section 303(e)
11 (42 U.S.C. 503(e)) is hereby repealed.

12 (c) AMENDMENTS TO SECTION 402.—Section 402(a)
13 (42 U.S.C. 602(a)) is amended—

14 (1) in paragraph (8)(A)(vi), by striking “(in-
15 cluding support payments collected and paid to the
16 family under section 457(b))”;

17 (2) in paragraph (11), by striking “(established
18 pursuant to part D of this title)”;

19 (3) in paragraph (26)(B), by striking “support”
20 and all that follows through “child,” and inserting
21 “any payments or property due such applicant or a
22 child with respect to whom such aid is claimed,”;

23 (4) in paragraph (28)—

24 (A) by striking “pursuant to a plan ap-
25 proved under part D, and retained by the State
26 under section 457,”; and

1 (B) by striking “approved under this part”
2 each place such term appears; and

3 (5) in paragraph (44)(B), by striking “and the
4 enforcement of child support obligations”.

5 (d) AMENDMENTS TO SECTION 403.—Section
6 403(b)(2) (42 U.S.C. 603(b)(2)) is amended—

7 (1) by inserting “and” before “(B)”; and

8 (2) by striking “, and (C) and all that follows
9 through “such section”.

10 (e) AMENDMENT TO SECTION 406.—Section 406(h)
11 (42 U.S.C. 606(h)) is amended by striking “under part
12 D”.

13 (f) AMENDMENTS TO SECTION 408.—Section 408
14 (42 U.S.C. 608) is amended—

15 (1) in subsection (f)—

16 (A) in paragraph (2)(C), by striking the
17 semicolon and inserting a period; and

18 (B) by striking all that follows paragraph
19 (2)(C); and

20 (2) in subsection (m), by striking paragraphs
21 (4) and (5) and redesignating paragraph (6) as
22 paragraph (4).

23 (g) AMENDMENTS TO SECTION 451.—Section 451
24 (42 U.S.C. 651) is amended—

1 (1) by striking “enforcing” and all that follows
2 through “living.”;

3 (2) by striking “obtaining child and spousal
4 support” and inserting “establishing child and
5 spousal support obligations of noncustodial parents”;
6 and

7 (3) by striking “obtaining support” and insert-
8 ing “establishing such obligations”.

9 (h) AMENDMENTS TO SECTION 452.—Section 452
10 (42 U.S.C. 652) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “obtain-
13 ing child support and support for the spouse (or
14 former spouse) with whom the absent parent’s
15 child is living” and inserting “establishing child
16 and spousal support obligations of noncustodial
17 parents”;

18 (B) in paragraph (7), by striking “collect-
19 ing child and spousal support” and inserting
20 “establishing child and spousal support obliga-
21 tions”;

22 (C) in paragraph (10)—

23 (i) in subparagraph (A)—

24 (I) by striking “and collections”;

25 and

1 (II) by striking “, the distribu-
2 tion of collections to families, State
3 and local governmental units, and the
4 Federal Government”;

5 (ii) in subparagraph (C)—

6 (I) by striking clauses (i) and (ii)
7 and redesignating clauses (iii), (iv),
8 and (v), as clauses (i), (ii), and (iii),
9 respectively; and

10 (II) in clause (iii) (as so redesign-
11 nated), by striking “, and” and all
12 that follows;

13 (iii) in subparagraph (G), by striking
14 “the use of” and all that follows through
15 “made,”; and

16 (iv) by striking the sentence that fol-
17 lows subparagraph (I); and

18 (D) by striking paragraphs (6) and (8)
19 and redesignating paragraphs (7), (9), and (10)
20 as paragraphs (6), (7), and (8), respectively;

21 (2) in subsection (d), by striking “454(16)”
22 each place such term appears and inserting
23 “454(12)”;

24 (3) in subsection (f), by striking “enforcement”;

1 (4) in subsection (g)(2)(A), by striking
2 “454(6)” each place such term appears and insert-
3 ing “454(5)”;

4 (5) in subsection (h)—

5 (A) by striking “and enforcing”; and

6 (B) by striking “and collect”; and

7 (6) by striking subsections (b), (c), and (i) and
8 redesignating subsections (d), (e), (f), (g), and (h)
9 as subsections (b), (c), (d), (e), and (f), respectively.

10 (i) AMENDMENTS TO SECTION 454.—Section 454
11 (42 U.S.C. 654) is amended—

12 (1) in paragraph (4)(B)—

13 (A) by striking “secure” and all that fol-
14 lows through “plan)” and inserting “establish
15 the child and spousal support obligations of the
16 child’s parent”; and

17 (B) by striking “or enforce”;

18 (2) in paragraph (6)—

19 (A) in subparagraph (A)—

20 (i) by striking “collection” and insert-
21 ing “establishment”; and

22 (ii) by striking all that follows
23 “State,”; and

1 (B) by striking subparagraph (C) and re-
2 designating subparagraphs (D) and (E) as sub-
3 subparagraphs (C) and (D), respectively;

4 (3) in paragraph (9)—

5 (A) by inserting “and” at the end of sub-
6 paragraph (B); and

7 (B) by striking subparagraph (C) and re-
8 designating subparagraph (D) as subparagraph
9 (C);

10 (4) in paragraph (13), by striking “obtaining
11 support orders, and collecting support payments”
12 and inserting “establishing support obligations”;

13 (5) in paragraph (16)—

14 (A) in subparagraph (A), by striking “en-
15 forcement collection” and all that follows
16 through “(iii)” and inserting “establishment
17 and paternity determination process under such
18 plan, including maintaining the data necessary
19 to meet the Federal reporting requirements on
20 a timely basis, and (ii)”;

21 (B) in subparagraph (C), by inserting
22 “and” at the end;

23 (C) in subparagraph (E) by striking “col-
24 lection and enforcement” and inserting “estab-
25 lishment of support obligations”; and

1 (D) by striking subparagraphs (B) and
2 (D) and redesignating subparagraphs (C) and
3 (E) as subparagraphs (B) and (C), respectively;
4 (6) in paragraph (20)(A), by striking “to im-
5 prove child support enforcement effectiveness which
6 are”;

7 (7) by striking paragraphs (5), (10), (11), (12),
8 (18), (19), (21), (22), and (23), and redesignating
9 paragraphs (6), (7), (8), (9), (13), (14), (15), (16),
10 (17), (20), and (24) as paragraphs (5) through (15),
11 respectively; and

12 (8) by striking the 2nd sentence.

13 (j) AMENDMENT TO SECTION 455.—Section 455 (42
14 U.S.C. 655) is amended by striking subsection (e).

15 (k) AMENDMENTS TO SECTION 456.—

16 (1) IN GENERAL.—Section 456(a) (42 U.S.C.
17 656(a)) is amended—

18 (A) in paragraph (2), by striking “, and”
19 at the end and inserting a period; and

20 (B) by striking paragraph (3).

21 (2) SECTION TRANSFERRED TO PART A OF
22 TITLE IV.—Section 456 of the Social Security Act is
23 hereby redesignated as section 411, transferred to
24 part A of title IV of such Act, and inserted after
25 section 410 of such Act.

1 (l) REPEAL OF SECTIONS 457, 458, 460, AND 464.—
2 Sections 457, 458, 460, and 464 (42 U.S.C. 657, 658,
3 660, and 664) are hereby repealed.

4 (m) AMENDMENTS TO SECTION 466.—Section 466
5 (42 U.S.C. 666) is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
8 by striking “454(20)(A)” and inserting
9 “454(14)(A)”;

10 (B) in paragraph (2)—

11 (i) in the 1st sentence, by striking
12 “obtaining and enforcing support orders”
13 and inserting “establishing support obliga-
14 tions”; and

15 (ii) in the 2nd sentence, by striking
16 “and enforcement”;

17 (C) in paragraph (10)—

18 (i) in each of subparagraphs (A) and
19 (B), by striking “being enforced under this
20 part” each place such term appears and
21 inserting “in effect in the State”;

22 (ii) in subparagraph (A), by striking
23 “enforcement”; and

1 (iii) in subparagraph (C), by striking
2 “that is being enforced under this part”;

3 and

4 (D) by striking paragraphs (1), (3), (4),
5 (6), (7), (8), and (9), and the matter following
6 paragraph (10), and redesignating paragraphs
7 (2), (5), (10), and (11) (as added by section 2
8 of this Act) as paragraphs (1), (2), (3), and
9 (4), respectively;

10 (2) in subsection (d)—

11 (A) by striking “administrative costs, and
12 average support collections” and inserting “and
13 administrative costs”; and

14 (B) by striking “enforcement”; and

15 (3) by striking subsections (b), (c), and (e) and
16 redesignating subsection (d) as subsection (b).

17 (n) AMENDMENT TO SECTION 468.—Section 468 (42
18 U.S.C. 668) is amended by striking “enforcement”.

19 (o) AMENDMENTS TO SECTION 469.—Section 469
20 (42 U.S.C. 669) is amended—

21 (1) in the section heading, by striking “EN-
22 FORCEMENT”;

23 (2) in subsection (a)(1), by striking “enforce-
24 ment”; and

1 (3) in subsection (b)(4), by striking “enforcing
2 or”.

3 (p) AMENDMENTS TO SECTION 1902.—Section
4 1902(a)(25)(F) (42 U.S.C. 1396a(a)(25)(F)) is amended
5 by striking “by the State agency under part D of title
6 IV of this Act” and inserting “by or on behalf of any agen-
7 cy or instrumentality of the Federal Government”.

8 (q) AMENDMENT TO THE BALANCED BUDGET AND
9 EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section
10 256(f) of the Balanced Budget and Emergency Deficit
11 Control Act of 1985 (2 U.S.C. 906(f)) is amended by
12 striking “sections 455 and 458” and inserting “section
13 455”.

14 (r) AMENDMENT TO TITLE 5, UNITED STATES
15 CODE.—Section 552a(a)(S)(iv)(III) of title 5, United
16 States Code, is amended by striking “464 or”.

17 (s) AMENDMENTS TO TITLE 31, UNITED STATES
18 CODE.—

19 (1) Section 3720A(a) of title 31, United States
20 Code, is amended by striking “any past-due sup-
21 port”.

22 (2) Section 3720A(f) of title 31, United States
23 Code, is amended by striking paragraph (2) and by
24 redesignating paragraph (3) as paragraph (2).

1 **SEC. 5. REDUCED ESTIMATES OF STATE EXPENDITURES.**

2 Effective with respect to each quarter beginning after
3 the effective date of this Act, each State, as part of its
4 report required under section 455(b) of the Social Security
5 Act (42 U.S.C. 655(b)), shall estimate the total amounts
6 to be expended during such quarter under part D of title
7 IV of the Social Security Act at a level not greater than
8 40 percent of the amounts which would have been ex-
9 pended if the amendments made by section 4 of this Act
10 had not been enacted.

11 **SEC. 6. EFFECTIVE DATE.**

12 This Act shall take effect on the 1st day of the 1st
13 calendar month that begins after the 2-year period that
14 begins with the date of the enactment of this Act.

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